



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
Second Regular Session

House: MAPS W/D | APPROP DPA 7-5-0-1 | 3<sup>rd</sup> Read 31-28-1-0

Senate: JUD DP 5-3-0-0 | 3<sup>rd</sup> Read 16-12-2-0

## **HB 2319: law enforcement activity; recording prohibition**

**Sponsor: Representative Kavanagh, LD 23**

**Senate Engrossed**

### **Overview**

Outlines regulations for a person making a video recording (recording) of a law enforcement activity (activity).

### **History**

Statute prohibits a person from obstructing governmental operations. A person commits *obstructing governmental operations* when the person uses threats or violence to hinder a peace officer from enforcing the law or acting under official authority. This offense is classified as a class 1 misdemeanor ([A.R.S. 13-2402](#)).

### **Provisions**

1. States that it is unlawful for a person to knowingly make a recording within eight feet of an activity and without the permission of a law enforcement officer (LEO). (Sec. 1)
2. Directs that for an activity occurring inside a closed structure on private property, a person authorized to be on the private property may make a video recording of the activity from an adjacent room that is less than eight feet away from the activity. (Sec. 1)
3. States a person may not make a video recording of an activity from within eight feet of an activity inside a closed structure on private property if the LEO determines the person is interfering with the activity or that it is not safe to be in the area. (Sec. 1)
4. Provides that a person who is the subject of the police contact may make a recording if doing so does not interfere with lawful police actions. (Sec. 1)
5. Asserts these provisions do not establish a right or authorize any person to make a video recording of an activity. (Sec. 1)
6. Classifies unlawfully recording an activity as a petty offense. (Sec. 1)
7. Classifies failing to comply with LEO verbal warnings regarding recording an activity or if the person has been previously convicted of unlawfully recording an activity as a class 3 misdemeanor (Sec. 1)
8. Defines *law enforcement activity*. (Sec. 1)

### **Senate Amendments**

1. Modifies the conditions necessary to commit *knowingly making a video recording of a law enforcement activity* by specifying:
  - a) The person making the recording must know, or reasonably know, where the activity is occurring;

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

- b) The person must continue recording within eight feet of the activity after a LEO provides verbal warning that the person is prohibited from making the recording, rather than not have the LEO's permission.
- 2. Removes the petty offense classification for a first violation and classifies any violation as a class 3 misdemeanor.
- 3. Makes technical changes.